

AF/3761



Practitioner's Docket No. 0037.00

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Andrew Clark et al.

Application No.: 09/414,384

Group No.: 3761

Filed: 10/07/1999

Examiner: A. Lewis

For: FLOW RESISTANCE MODULATED AEROSOLIZED ACTIVE AGENT DELIVERY

**RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP
3761**

RECEIVED

MAR 27 2003

TECHNOLOGY CENTER R3700

Box AF

Commissioner for Patents
Washington, D.C. 20231

AMENDMENT OR RESPONSE AFTER FINAL REJECTION--TRANSMITTAL

1. Transmitted herewith is an amendment after final rejection (37 C.F.R. 1.116) for this application.

STATUS

2. Applicant is other than a small entity.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

G deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10*

☒ with sufficient postage as first class mail.

G as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

G facsimile transmitted to the Patent and Trademark Office, (703) _____ - _____

Signature

Date:

3/20/03

Kathy Honnert
(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Conclusion

The claims are allowable for the reasons given above. Thus, the Examiner is respectfully requested to reconsider the present rejections and allow the presently pending claims. Should the Examiner have any questions, the Examiner is requested to call the undersigned at the number given below.

Respectfully submitted,

NEKTAR THERAPEUTICS
(formerly INHALE THERAPEUTIC
SYSTEMS, INC.)

Dated: March 19, 2003

By: 

Guy V. Tucker
Reg. No. 45,302

Please send all correspondence to:
Guy Tucker
Nektar Therapeutics
150 Industrial Road
San Carlos, CA 94070

Please direct telephone calls to:
Guy Tucker
(650) 620-5501



V. Dougl
#31/FNE.
PATENT
3-27-03

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that the following papers are being transmitted via first class with sufficient postage addressed to the Assistant Commissioner of Patents Washington, D.C. 20231 on March 19, 2003:

Signed: Kathy Honnert
Kathy Honnert

.....
In the United States Patent and Trademark Office
.....

Applicant: Clark et al.

Applicant's Ref: 0037.00

Application No: 09/414,384

Filed: October 7, 1999

Title: FLOW RESISTANCE MODULATED

AEROSOLIZED ACTIVE AGENT DELIVERY

Examiner: A. Lewis

Group Art Unit: 3761

March 19, 2003

Do
Kov.
Enter
Add
4/23/03

AMENDMENT AFTER FINAL ACTION

Commissioner for Patents
Washington, D.C. 20231

RECEIVED

MAR 27 2003

TECHNOLOGY CENTER R3700

Dear Sir:

This amendment is in response to the Final Office Action dated February 12, 2003 and is being filed within two months thereof. The present amendment is being filed in accordance with revised rule 37 CFR 1.121. Thus, marked-up amendments to the claims and/or specification are provided and no clean versions of the amendments are provided.